

U.S. Patent Application Serial No. 10/523,980
Reply to OA dated February 24, 2009

REMARKS

The claims have been amended in order to more particularly point out, and distinctly claim the subject matter which the applicants regard as their invention. Claims 1 and 3 have been amended to clarify the same and remove the indefiniteness rejection. Claims 4-6 have been canceled as requested, without prejudice. Claim 7 has been added to a specific embodiment. No new matter is involved.

Independent Claim 1, the only independent claim, as amended, is to a method for marking an electric wire which includes an electrically conductive core wire and an insulating sheath, by injecting a certain amount of coloring agent to an outer face of said electric wire, where the electric wire is tightened in a state where a tensile force is applied in a longitudinal direction, and the coloring agent is injected in drop form from an upper side of the electric wire onto an upper part of the outer face of the electric wire to form a band as a mark on the electric wire. The drop contacts an uppermost portion of the upper part and moves downwardly by gravity along the outer face to form the band.

In the Office Action, Claims 2 and 3 are rejected as indefinite under 35 U.S.C. 112, second paragraph. Claim 2 has been canceled and Claim 3 amended in a manner that should remove this rejection and removal of the rejection is respectfully requested.

The Office Action required that Claims 4-6 be canceled because they are to a non-elected invention. These claims have been canceled, without prejudice, herein.

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In the Office Action, Claims 1-3 were rejected as anticipated under 35 U.S.C. 102(b) by any one of Bleich et al. (U.S. 4,877,645), Klebl et al. (U.S. 5,153,025) or Smyczek et al. (U.S. 5,446,466). Reconsideration and removal of this rejection are respectfully requested in view of the present claim amendments and the following remarks.

In the Office Action, it is asserted that Bleich teaches a method for applying a coating material to elongated material that is a plastic insulation surrounding a metallic conductor and is supplied with a feed reel and take-up reel. The colorant is applied with nozzles from the uppermost side of the plastic covered metallic cable.

It is also asserted that Klebl teaches a method of continuous marking of elongated material with a colorant from color jets located above and below the elongated material while being supplied with a feed reel and a take-up reel, and that the elongated material includes insulated metal strands.

It is further asserted that Smyczek teaches a wire marking system and method whereby an ink is printed on the outermost surface of an insulated wire while being supplied by a feed reel and a take-up reel.

In addition, it is alleged that Bleich, Klebl or Smyczek all teach a continuous feeding mechanism with a feed reel and a take-up reel, and that this apparatus would inherently apply tension to the wire and therefore meets the claimed limitation of "tightened in a state where tensile force is applied in a longitudinal direction", while the term "open end" is met by these references as they all teach nozzles or jets which comprise "an open ended applicator" for applying the colorant to the outside of the wire.

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Claims 1 and 3 have been amended to further distinguish over the references, Claims 2 and 4-6 have been canceled and new Claim 7 has been added.

None of Bleich, Klebel or Smyczek teach a method as now specified in proposed Claim 1 where drops (see page 18, lines 15-23 of the specification) are injected onto an upper side of a wire to form a band mark with the drop flowing by gravity to form a band (see page 22, lines 1-16 of the specification). New Claim 7 is supported at page 12, lines 14-23 of the specification.

In Bleich, sprays are used in sheet form (nozzles 46) or conical form (nozzles 50) to cover the entire surface of a wire, and not to form spaced bands of any shape. In Klebel, jets of colorant are discharged from a nozzle to form top and bottom markings to produce marks (6). In Smyczek, a corona discharge is used to prepare a twisted cable for marking, such as lettering, by an ink jet printer. Such references do not, we believe, teach or suggest the method of proposed Claims 1, 3 and 7.

None of the references or their combination teach or suggest the present method where a coloring agent is injected in drop form onto an upper part of the electric wire to form a band as a mark on the electric wire, with the drop contacting an uppermost portion of the upper part and moving downwardly by gravity along the outer face to form a band, as now specified in amended Claim 1.

In view of the aforementioned amendments and accompanying remarks, Claims 1, 3 and 7, as amended, are believed to be patentable and in condition for allowance, which action, at an early date, is requested.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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